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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,899	01/08/2002	Joe Freeman Britt JR.	04676.P020	5830

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EXAMINER

KRISCIUNAS, LINDA MARY

ART UNIT PAPER NUMBER

3623

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/042,899

Applicant(s)

BRITT ET AL.

Examiner

Linda Krisciunas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following action is a Non-Final Office Action in response to the application filed January 8, 2002. The Examiner spoke with Attorney Thomas Webster on Monday March 6, 2006 with respect to a restriction with the application. Attorney Webster elected claims 1-15 and claims 16-20 are withdrawn.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Libman (US 6,999,938).

As per claims 1 and 10, Libman teaches identifying a plurality of attributes for each of a plurality of users with data processing devices (column 6, lines 3-14: "client information"); selecting a group of users having one or more common attributes (column 6, lines 15-26: "client record", the records are contained in a database which contains various fields. These fields would be used to correlate the "client communication" information sent to the client as noted in column 6, lines 27-42.); receiving an inquiry generated by a first user, said inquiry having predetermined responses associated

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therewith (The client communication noted in column 6, lines 27-42 is equivalent to an inquiry as it presents sales information whose purpose is to inquire if there is interest in the products. Therefore, the client communication is equivalent as it performs an identical function in substantially the same manner with substantially the same results. The responses have a pre-set selection of responses as noted in column 7, lines 56-66 which is equivalent to predetermined responses as it performs an identical function in substantially the same manner with substantially the same results.); transmitting said inquiry to said group of users (column 6, lines 27-42: "client communication" where the communication may be sent via electronic-mail or by paper.); receiving responses from one or more users in said group of users (column 8, lines 4-12, where the "reply" is sent in response to the communication generated by the user of the system); and forwarding said responses to said first user (See Figure 21, where the client response is sent back to the processor which originated the offer.).

As per claims 2 and 12, Libman teaches one of the attributes is a current geographical location of each of said users (column 12, lines 8-26, where geographic information would include location).

As per claim 3, Libman teaches one of the attributes is a relative distance of each of the users from the first user (column 12, lines 8-26, where demographic data includes the breakdown of customers to geographic regions which would each have a respective distance attribute).

As per claim 4, Libman teaches one of the attributes is an age of each of the users (column 12, lines 8-26: "client's age").

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As per claim 5, Libman teaches one of the attributes is an occupation of each of the users (column 12, lines 8-26: "occupation").

As per claim 6, Libman teaches one of the attributes is the sex of each of the users (column 12, lines 8-26, where demographic data would include an indication of male or female).

As per claim 7, Libman teaches one of the attributes is a home address of each of the users (column 13, lines 55-67: "address").

As per claims 8, 9 and 13, Libman teaches one of the attributes is that each user appears in the first user's buddy list or address book (column 6, lines 15-26: "client record", the records are contained in a database which contains various fields, and column 13, lines 55-67: "address" where the database contains the address of the client. This is equivalent to an address book or buddy list as it performs an identical function in substantially the same manner with substantially the same results).

As per claim 11, Libman teaches the user selection region is generated based on one or more user characteristics specified by a first user (The responses have a pre-set selection of responses as noted in column 7, lines 56-66 which is equivalent to specified characteristics as it performs an identical function in substantially the same manner with substantially the same results).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libman.

As per claims 14-15, Libman does not explicitly teach the inquiry region and answer region being adjacent. Libman does teach (column 8, lines 59-67, where the display (14) would contain the inquiry and the answer region since one of the means for receiving and replying to the information is via the internet or electronic mail (column 6, line 42). Official notice is taken that it is old and well known that the reply section to an e-mail is adjacent to the inquiry section. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the communication system of Libman with the adjacent feature of the inquiry to reply to provide a more user-friendly and efficient means for communicating that allows the user to see the inquiry while replying.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches about obtaining information from clients: Rafael et al (US 6,529,878), Peacock (US 6,868,451), McGeorge et al (US 2002/0095431), Kraft et al (US 2002/0188777), Dutta (US 6,748,449), Tognazzini (US 5,790,974), Campana et al (US 2002/0160753), Campana et al (US 6,567,397), and Cadotte et al (US 4,345,315).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-

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6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMK

*LMK*  
*March 13, 2006*

  
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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600